

107TH CONGRESS  
2D SESSION

# H. R. 5498

To convey to the Board of Trustees of the California State University the balance of the National Oceanic and Atmospheric Administration property known as the Tiburon Laboratory, located in Tiburon, California.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2002

Ms. WOOLSEY (for herself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Science

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## A BILL

To convey to the Board of Trustees of the California State University the balance of the National Oceanic and Atmospheric Administration property known as the Tiburon Laboratory, located in Tiburon, California.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CONVEYANCE OF NOAA LABORATORY IN**  
4       **TIBURON, CALIFORNIA.**

5       (a) IN GENERAL.—Except as provided in subsection  
6       (c), the Secretary of Commerce shall convey to the Board  
7       of Trustees of the California State University, by suitable  
8       instrument, in accordance with this section, by as soon

1 as practicable, but not later than 120 days after the date  
2 of the enactment of this Act, and without consideration,  
3 all right, title, and interest of the United States in the  
4 balance of the National Oceanic and Atmospheric Admin-  
5 istration property known as the Tiburon Laboratory, lo-  
6 cated in Tiburon, California, as described in Exhibit A of  
7 the notarized, revocable license between the Administra-  
8 tion and Romberg Tiburon Center for Environmental  
9 Studies at San Francisco State University dated Novem-  
10 ber 5, 2001 (license number 01ABF779–N).

11 (b) CONDITIONS.—As a condition of any conveyance  
12 by the Secretary under this section the Secretary shall re-  
13 quire the following:

14 (1) The property conveyed shall be adminis-  
15 tered by the Romberg Tiburon Center for Environ-  
16 mental Studies at San Francisco State University  
17 and used only for the following purposes:

18 (A) To enhance estuarine scientific re-  
19 search and estuary restoration activities within  
20 San Francisco Bay.

21 (B) To administer and coordinate manage-  
22 ment activities at the San Francisco Bay Na-  
23 tional Estuarine Research Reserve.

24 (C) To conduct education and interpreta-  
25 tion and outreach activities to enhance public

1 awareness and appreciation of estuary re-  
2 sources, and for other purposes.

3 (2) The Board shall—

4 (A) take title to the property as is;

5 (B) assume full responsibility for all facil-  
6 ity maintenance and repair, security, fire pre-  
7 vention, utilities, signs, and grounds mainte-  
8 nance;

9 (C) allow the Secretary to have all nec-  
10 essary ingress and egress over the property of  
11 the Board to access Department of Commerce  
12 building and related facilities, equipment, im-  
13 provements, modifications, and alterations; and

14 (D) not erect or allow to be erected any  
15 structure or structures or obstruction of what-  
16 ever kind that will interfere with the access to  
17 or operation of property retained for the United  
18 States under subsection (c)(1), unless prior  
19 written consent has been provided by the Sec-  
20 retary to the Board.

21 (c) RETAINED INTERESTS.—The Secretary shall re-  
22 tain for the United States—

23 (1) all right, title, and interest in and to the  
24 portion of the property referred to in subsection (a)  
25 comprising Building 86, identified as Parcel C on

1 Exhibit A of the license referred to in subsection (a),  
2 including all facilities, equipment, fixtures, improve-  
3 ments, modifications, or alterations made by the  
4 Secretary;

5 (2) rights-of-way that are determined by the  
6 Secretary to be reasonable and convenient to ensure  
7 all necessary ingress and egress for Federal per-  
8 sonnel or contractors to access the property retained  
9 under paragraph (1), including access to the existing  
10 boat launch ramp (or equivalent) and parking that  
11 is suitable to the Secretary;

12 (3) the exclusive right to install, maintain, re-  
13 pair, replace, and remove its facilities, fixtures, and  
14 equipment on the retained property, and to author-  
15 ize other persons to take any such action;

16 (4) the right to grade, condition, and install  
17 drainage facilities, and to seed soil on the retained  
18 property, if necessary; and

19 (5) the right to remove all obstructions from  
20 the retained property that may constitute a hin-  
21 drance to the establishment and maintenance of the  
22 retained property.

23 (d) EQUIVALENT ALTERNATIVE.—

24 (1) IN GENERAL.—At any time, either the Sec-  
25 retary or the Board may request of each other to

1 enter into negotiations pursuant to which the Board  
2 may convey if appropriate to the United States, in  
3 exchange for property conveyed by the United States  
4 under subsection (a), another building that is equiv-  
5 alent to the property retained under subsection (c)  
6 that is acceptable to the Secretary.

7 (2) LOCATION.—Property conveyed by the  
8 Board under this subsection is not required to be lo-  
9 cated on the property referred to in subsection (a).

10 (3) COSTS.—If the Secretary and the Board en-  
11 gage in a property exchange under this subsection,  
12 all costs for repair, removal, and moving of facilities,  
13 equipment, fixtures, improvements, modifications, or  
14 alterations, including power, control, and utilities,  
15 that are necessary for the exchange—

16 (A) shall be the responsibility of the Sec-  
17 retary, if the action to seek an equivalent alter-  
18 native was requested by the Secretary in re-  
19 sponse to factors unrelated to the activities of  
20 the Board or its operatives in the operation of  
21 its facilities; or

22 (B) shall be the responsibility of the  
23 Board, if the Secretary's request for an equiva-  
24 lent alternative was in response to changes or  
25 modifications made by the Board or its

1           operatives that adversely affected the Sec-  
2           retary's interest in the property retained under  
3           subsection (c).

4           (e) ADDITIONAL CONDITIONS.—As conditions of any  
5   conveyance under subsection (a)—

6           (1) the Secretary shall require that—

7                   (A) the Board remediate, or have remedi-  
8                   ated, at its sole cost, all hazardous or toxic sub-  
9                   stance contamination found on the property  
10                  conveyed under subsection (a), whether known  
11                  or unknown at the time of the conveyance or  
12                  later discovered; and

13                  (B) the Board of Trustees hold harmless  
14                  the Secretary for any and all costs, liabilities, or  
15                  claims by third parties that arise out of any  
16                  hazardous or toxic substance contamination  
17                  found on the property conveyed under sub-  
18                  section (a) that are not directly attributable to  
19                  the installation, operation, or maintenance of  
20                  the Secretary's facilities, equipment, fixtures,  
21                  improvements, modifications, or alterations;

22           (2) the Secretary shall remediate, at the sole  
23   cost of the United States, all hazardous or toxic sub-  
24   stance contamination on the property retained under  
25   subsection (c) that is found to have occurred as a di-

1 rect result of the installation, operation, or maintenance of the Secretary's facilities, equipment, fixtures, improvements, modifications, or alterations;  
2  
3  
4 and

5 (3) if the Secretary decides to terminate future  
6 occupancy and interest of the property retained  
7 under subsection (c), the Secretary shall—

8 (A) provide written notice to the Board at  
9 least 60 days prior to the scheduled date when  
10 the property will be vacated;

11 (B) remove facilities, equipment, fixtures,  
12 improvements, modifications, or alterations and  
13 restore the property to as good a condition as  
14 existed at the time the property was retained  
15 under subsection (c), taking into account ordinary wear and tear and exposure to natural elements or phenomena; or

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17  
18 (C) surrender all facilities, equipment, fixtures,  
19 improvements, modifications, or alterations to the Board in lieu of restoration,  
20 whereupon title shall vest in the Board of  
21 Trustees, and whereby all obligations of restoration under this subsection shall be waived,  
22 and all interests retained under subsection (c)  
23 shall be revoked.  
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1 (f) REVERSIONARY INTEREST.—

2 (1) IN GENERAL.—All right, title, and interest  
3 in and to all property and interests conveyed by the  
4 United States under this section shall revert to the  
5 United States on the date on which the Board uses  
6 any of the property for any purpose other than the  
7 purposes described in subsection (b)(1).

8 (2) ADMINISTRATION OF REVERTED PROP-  
9 erty.—Any property that reverts to the United  
10 States under this subsection shall be under the ad-  
11 ministrative jurisdiction of the Administrator of  
12 General Services.

13 (g) DEFINITIONS.—In this section:

14 (1) BOARD.—The term “Board” means the  
15 Board of Trustees of the California State University.

16 (2) CENTER.—The term “Center” means the  
17 Romberg Tiburon Center for Environmental Studies  
18 at San Francisco State University.

19 (3) SECRETARY.—The term “Secretary” means  
20 the Secretary of Commerce.

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